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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 CAROL TUCKER,

9 Plaintiff,

10 v.

11 SENIOR HOUSING ASSISTANCE GROUP,

12 Defendant.  
13

No. C11-1771RSL

ORDER VACATING JOINT STATUS  
REPORT DEADLINES

14 This matter comes before the Court on defendant's "Motion to Postpone FRCP 26  
15 Schedule." Although counsel for defendant has filed a notice of appearance, defendant has not  
16 yet been served in the above-captioned matter. "[I]n the absence of proper service of process,  
17 the district court has no power to render any judgment against the defendant's person or property  
18 unless the defendant has consented to jurisdiction or waived the lack of process." SEC v. Ross,  
19 504 F.3d 1130, 1138-39 (9th Cir. 2007).<sup>1</sup>

20 Because the Court does not yet have jurisdiction over defendant, the "Order  
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23 <sup>1</sup> Plaintiff asserts that she cannot afford to pay for service of process and that any requirement  
24 that service be accomplished "is unjust and a violation of [her] Constitutional right to access the courts  
25 without delay and without cost." Dkt. # 12 at 1-2. Service is not optional: the Court lacks jurisdiction  
26 over defendant unless and until a copy of the summons and complaint is served pursuant to Fed. R. Civ.  
P. 4. Service does not have to cost a lot, however. Plaintiff is advised to review Rule 4 for her options  
in this matter.

ORDER VACATING JOINT  
STATUS REPORT DEADLINES

1 Regarding Initial Disclosures, Joint Status Report and Early Settlement” issued on November 16,  
2 2011 (Dkt. # 7) is hereby VACATED. These deadlines will be reset after plaintiff has served  
3 defendant and plaintiff’s request for appointment of counsel has been resolved.

4 In her response to defendant’s motion, plaintiff requests that the Court (1) order  
5 defense counsel to refrain from mentioning plaintiff’s bar complaint and (2) order SHAG to  
6 release plaintiff from her lease. Requests for relief from the Court generally must be presented  
7 in a motion, properly briefed and noted pursuant to Local Civil Rules 7 and 10, rather than  
8 included in a response related to a completely separate topic. See  
9 <http://www.wawd.uscourts.gov/ReferenceMaterials/LocalRules.htm>. Even if the Court were to  
10 consider plaintiff’s requests for relief, they would be denied. Defense counsel did not mention  
11 plaintiff’s bar complaint simply to “tattle” on her. Defense counsel knows, from prior  
12 experience in this district, that the Court expects litigants to cooperate regarding scheduling and  
13 discovery matters in an effort to resolve such disputes by agreement of the parties. The fact that  
14 plaintiff has filed a bar complaint against defense counsel was undoubtedly offered to explain  
15 why counsel failed to contact plaintiff informally in an attempt to resolve this dispute without  
16 Court intervention.

17 Plaintiff’s second request is for the relief sought in her complaint. Defendant is  
18 not yet before the Court, however, and plaintiff has not shown that the Americans with  
19 Disabilities Act has been violated or that she is otherwise entitled to an order releasing her from  
20 her lease.

21 Dated this 1st day of December, 2011.

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24 Robert S. Lasnik  
25 United States District Judge  
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